

UNIVERSITI TEKNOLOGI MARA

**DEVELOPING A UNI-MODAL
LIABILITY FRAMEWORK FOR
SEAMLESS CROSS BORDER
CARRIAGE OF GOODS BY RAIL: A
CASE OF SOUTHEAST ASIA
MAINLAND**

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Thesis submitted in fulfilment
of the requirements for the degree of
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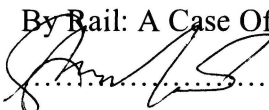
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I declare that the work in this thesis was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

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ABSTRACT

The railway industry in ASEAN is still struggling to make sure that it is still relevant and needed in ASEAN logistics industry. The upcoming ASEAN Economic Community eventually challenged the railway industry to develop itself to ensure that it could compete with the other mode of transportation in the cross border carriage of goods. The Singapore-Kunming Railway Link has given the railway industry another opportunity to improve the services and become one of the forces, which moved the sub-region economy. Accordingly, the physical and institutional developments need to be done simultaneously in ensuring the success of the cross border carriage of goods by rail. Practically, in ASEAN, since the railway industry is still as of personal interest, the developments phase is different according to the countries. The collective developments have yet to take place for both physical and institutional developments. Nevertheless, as for the time being, the cross border carriage of goods by rail in ASEAN mainland is still governed by the local law as there are lack of sub-regional level agreements to be used collectively. Protocol 6 of ASEAN Framework Agreement of Facilitation of Goods in Transit is the only sub-regional level agreement available to govern the railway industry collectively. But, it only concerns on the railway border and interchange station. The lack of coverage of other important aspect, especially the liability part, might decrease the confident and eagerness level of the members to move on with the idea of seamless cross border carriage of goods by rail. The research will look into the practices of cross border carriage of goods by rail in ASEAN mainland collectively from the operational and legal perspectives. The data from the operational perspective will provide the much-needed understanding on the carriage of goods by rail industry in ASEAN. By having the understanding on the practices, the points of similarities discovered will be used as the benchmark for the understanding of the industry. Also, the research will look into the legal aspects of the industry including the legal procedures and practices. The information from these two perspectives will provide the guideline as to the direction of the liability framework for cross border carriage of goods by rail in ASEAN mainland in ensuring the suitability of the said approach towards the industry and the upcoming free market future as it is intended to be use collectively.

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